

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649

ph: (508) 539-1400

Zoning Board of Appeals Minutes 06/10/2015

MASHPEE ZONING BOARD OF APPEALS

JUNE 10, 2015

MINUTES

The Mashpee Zoning Board of Appeals held Public Hearings on Wednesday, June 10, 2015, at 6:00 p.m. in the Waquoit Room at the Mashpee Town Hall, 16 Great Neck Road North. Board Members Jonathan D. Furbush, William A. Blaisdell, Ronald Bonvie, Richard Jodka, Domingo K. DeBarros and Associate Member, Scott Goldstein were present.

20 Elliot Road: Owners request a Written Finding under Article V §174-17 to raze and replace a single-family dwelling on property located in an R-3 Zoning District and Popponesset Overlay District. Assessor's Map 118 Parcel 115, Mashpee, MA. Owners of Record: Kathleen P. Bragdon and Joseph G. Imbriani, Trustees. (*Continued from May 27, 2015 Hearings*).

Mr. Furbush announced the five regular board members were sitting in on this hearing.

Mr. Kevin Kirrane represented the applicants on the continued hearing regarding the proposed dwelling. Also present was Denise Bonoli, Architect. The Board had some questions from the previous hearing regarding lot coverage due to a well that was created in the rear for access to the basement, and an issue regarding the cupola situated on the roof. The original plan depicted a concrete wall and stairway approximately 8 feet that would allow access to the lower level basement area. The Board was concerned the proposed concrete wall constituted a structure and would increase the lot coverage. Mr. Kirrane provided an updated plan that depicts a much shorter and smaller landscape timber with planting beds and has been designed as four feet, and a door on the back side of the stairwell area. The concrete wall has been removed and substituted with a landscape feature. At the last hearing, the Board suggested that the roof line be lengthened and that the cupola be reduced to a 6' x 6' dimension.

Mr. Furbush asked if a hand-rail is required on the stairway. Mr. Goldstein said yes, anything over three risers. Mr. Goldstein said the revised plan looks great. If the landscaping was over four feet, it would require the engineer to update the plan and would increase the lot coverage. Mr. Bonvie was satisfied. Mr. Blaisdell was satisfied with the updated plan.

Mr. Bonvie read the Board of Health comments into the record; "Board of Health Comments: Title V design plan has been submitted in draft form to the BOH. Plans will be finalized for review and approval upon ZBA approval per engineer. Plans are in draft form due to no perk tests. BOH approved draft plans. Property is OK with three bedrooms. Floor plans are OK."

Mr. Bonvie read the Building Commissioner's comments into the record; "They are going with timbers now which is a change from cement. I would make a condition that this area cannot have a roof or ever be enclosed or used as a base for a foundation."

Mr. Bonvie made a motion to approve the Written Finding. He made reference to the following conditions; the cupola as shown on the plan will never be used for habitable space. Also a letter submitted by the Building Commissioner stating the lower level access area will never be covered, altered, enclosed, or used as a base for a foundation without future action by the Zoning Board of Appeals. Also included in this motion are comments submitted by the Board of Health. He referenced a plot plan by BSS Design titled; "Proposed House", prepared for Kathleen Bragdon, 20 Elliot Road, Mashpee, MA. Scale 1" = 20', dated April 24, 2015, drawn by TJB, job number 14301, Site Plan: Page 1 of 1, Drawing Number: P23-03. Revisions: Moved house 1.5' west, added Note 6, dated 4/29/2015, Changed SAS, added drywells, 6/4/2015, Added Sunken Garden, dated 6/8/2015.

Mr. Blaisdell, seconded, yes, Mr. Furbush, yes, Mr. Jodka, yes, Mr. DeBarros, yes, and Mr. Goldstein, yes. All were in favor.

56 Kim Path: Owners, Richard and Jennifer Manganiello request a Variance under §174-31 for lot coverage relief to construct an 8' x 10' shed on property located in an R-3 Zoning District, (Map 117 Parcel 97), Mashpee, MA. (*Continued from May 13, 2015 at the request of the Attorney*).

56 Kim Path: Owners, Richard and Jennifer Manganiello request a 3 foot Variance of the 5 foot requirement from the rear property line to allow for construction of an 8' x 10' shed on property located in an R-3 Zoning District. Assessor's Map 117 Parcel 97, Mashpee, MA.

Mr. Kevin Kirrane represented the applicants on the continued hearing for relief to construct an 80 square foot shed. At the last hearing, he presented a plan that depicted the shed situated 5 ft. from the westerly property line, and 5 ft. from the northerly property line and complies with the current building codes. An issue was raised by an abutter that this would obstruct his view of the water and requested the shed be moved. Mr. Kirrane provided an updated plot plan that depicts the shed a half-foot closer to the building, which is 5 ft. 6 inches from the property line and moved it 2 ft. from the northerly property line and resulted in a request for the additional Variance. The shed cannot be moved any closer to the home without trespassing on the direct abutter when maintaining around it. Moving the shed 6 inches closer to the building is the closest for passage and safety.

Mr. Jim Candito, 70 Nick Trail approached the Board and provided photos of the area explaining that the shed would block his scenic view. He would like the shed moved back 6 feet from the side.

Mr. Goldstein said he cannot determine the location of the shed with his photos and that the Board only determines the dimensions with the proposed plot plan. The plot plan shows the shed will be moved 5 ft. 6" for the side and 2 feet from the rear property line. The Board also discussed the appeal period is 21 days from the date the decision is filed with the Clerk. The Building Commissioner will require an as-built for the shed. Mr. Candito said he will talk to the homeowner to see if they can stake the area.

Mr. Bonvie wanted to know the lot coverage prior to the raze and replace project. Mr. Kirrane said it was 24.1% and would still be below the lot coverage if the shed were constructed at the same time the house was built.

Mr. Bonvie read an abutter letter from Beth Prunier McGinnis that resides at 50 Kim Path into the record; "Dear Zoning Board, I am a resident of Kim Path. I am writing this letter to let you know that I have absolutely no concerns with the additional 80 square feet of coverage that the Manganiello's are requesting for their shed. It is not an issue for me and I am surprised anyone else would care about such a small request."

Mr. Furbush read a comment into the record from the Board of Health; 56 Kim Path, the shed does not impact the access to the existing septic." No issues from the Board of Health.

Mr. Furbush read a comment from Conservation dated April 9, 2015 in the record; "The Conservation Dept. has been notified about the proposed shed at 56 Kim Path. Because the shed is being placed within the driveway layout of the property and thus does not require the disturbance/removal of existing vegetation or any associated excavation, it is considered to be negligible in terms of any adverse impacts to relevant wetland resource areas and/or buffer zones thereof associated with the property. No permitting is necessary."

Mr. Bonvie made a motion to issue a Variance for **lot coverage relief** for 2.9%. For the record the lot coverage prior to this filing, and at the time of the raze and replace of the home was 24.1% and is now 22.9%. Also referencing the department and abutter letters. This motion is based on a plot plan issued by Cape & Islands Engineering, Stamped by Christopher Costa PLS, dated 5/29/15, proposed shed relocated, for Richard R. Manganiello, 56 Kim Path, Mashpee, MA.

Mr. Blaisdell seconded, yes, Mr. Furbush, yes, Mr. Goldstein, yes, and Mr. DeBarros, yes. All were in favor.

Mr. Bonvie made a motion to issue a **3 foot Variance** of the 5 foot requirement from the rear property line to allow for construction of an 8' x 10' shed. Conditioned in this motion; if the dwelling needs to be secured or requires ground excavation, it will need a permit from the Commission (Request for Determination). If there is any amendment to the proposed plot plan, it will need another filing with the Zoning Board of Appeals. Referencing a plot plan issued by Cape & Islands Engineering, Stamped by Christopher Costa PLS, dated 5/29/15, proposed shed relocated, for Richard R. Manganiello, 56 Kim Path, Mashpee, MA. Also, stating for the record that this plot plan was revised as requested by the Board.

Mr. Blaisdell seconded, yes, Mr. Furbush, yes, Mr. Goldstein, yes, and Mr. DeBarros, yes. All were in favor.

146 Popponesset Island Road: Owner, Michael Moskowitz requests a Minor Modification (Finding-2014-37), to rebuild the garage foundation on the same footprint to accommodate 591 sq. ft. of living space above the garage on property located in an R-3 Zoning District. Assessor's Map 112 Parcel 10, Mashpee, MA.

Mr. Moskowitz represented himself stating the Board approved a garage addition and at that time he did not realize that a new foundation was required. The foundation was not deep enough. The plan is exactly the same and the garage foundation is in same location. He is not starting construction until the fall.

Mr. Furbush spoke to the Building Inspector and determined it is a minor modification.

Mr. Bonvie made a motion to issue a minor modification of the Written Finding (Finding-2014-37). Referencing a plot plan titled; "Proposed Addition at 146 Popponesset Island Road, Mashpee, MA, prepared for Michael Moskowitz. Scale; 1" = 20', dated July 8, 2014, drawn by EJP, TJB, job number 14008, revision converted elevation to NAVD. 7/31/14, added limit of work 8/1/2014, TJB, drawing number B22-19. Making this motion based on the Board of Health comments; "The BOH approved the setback variance back in August 2014 with the condition that a septic inspection be done which it has and that a 40 mil membrane be placed on the foundation as mitigation for the variance. The building permit will be amended accordingly."

Mr. Jodka, seconded, yes, Mr. Furbush, yes, Mr. Blaisdell, yes, Mr. DeBarros, yes. All were in favor.

OTHER BUSINESS

Approved May 27, 2015 Meeting Minutes

Mr. Goldstein made a motion to approve May 27, 2015 Meeting Minutes. All were in favor.

Mr. DeBarros made a motion to adjourn. All were in favor.

Respectfully submitted,

Mary Ann Romero
Administrative Secretary
Zoning Board of Appeals